

## CITY OF ISSAQUAH

### MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

**Description of Proposal:** Construct a 36-unit townhouse development on an 8.4 acre parcel. The site includes wetland and stream critical areas, limiting the development area to 2.2 acres of the site.

The site contains 2 streams with salmonids (Class 2S): Anti-Aircraft Creek (WRIA #0169A) and an unnamed tributary to Tibbetts Creek (WRIA #0169H). The proposal would reduce the 100-foot stream buffers to 75 feet and enhance the reduced buffer area with native plantings. There is a 3.8 acre Category II wetland on the site. The 75-foot wetland buffer would be reduced to 56.25 feet with planting enhancement of the reduced buffer area. A 10-foot wide public shared use trail is proposed through the wetland and wetland buffer; elevated through the wetland to avoid direct fill impacts.

Proposal includes 68 parking stalls in unit garages and 18 surface stalls.

The site would be accessed off Newport Way NW and project includes street frontage improvements, including: a 10-foot wide multi-modal trail, landscape strip, bike lane, travel lanes, and a center turn lane.

<b>Proponent:</b>	Stacia Bloom Core Design Inc 14711 NE 29 <sup>th</sup> Pl Bellevue, WA. 98007	Gateway-Smallwood LLC 14824 NE 95 <sup>th</sup> St Redmond, WA. 98052
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**Permit Number:** SDP15-00004 – Riva Townhomes

**Location of Proposal:** 2000 block of Newport Way NW

**Lead Agency:** City of Issaquah

**Determination:** The lead agency has determined this proposal would not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

**Comment/Appeal Period:** This Mitigated Determination of Nonsignificance is issued under WAC 197-11-340(2) and 197-11-680(3)(a)vii, and is based on the proposal being conditioned as indicated below. There is a 21-day combined comment/appeal period for this determination, between **March 3, 2016 to March 24, 2016**. Anyone wishing to comment may submit written comments to the Responsible Official. The Responsible Official will reconsider the determination based on timely comments. Any person aggrieved by this determination may appeal by filing a Notice of Appeal with the City of Issaquah Permit Center. Appellants should prepare specific factual objections. Copies of the environmental determination and other project application materials are available from the Issaquah Development Services Department, 1775 12th Avenue NW.

Appeals of this SEPA determination must be consolidated with appeal of the underlying permit, per IMC 18.04.250.

#### Notes:

1. This threshold determination is based on review of the Plan Set including civil, architecture, landscape, conceptual mitigation plans received October 19, 2015; revised Shared Use Trail and Mitigation Plan dated February 18, 2016; Wetland & Stream Determination and Preliminary Buffer Mitigation (Schulz, October 14, 2015) and Revised Wetland & Stream Determination (Schulz, February 24, 2016); Wetland and Stream Review for Issaquah Farms Property – Revised Findings

(ESA, February 18, 2016); Traffic Impact Analysis (TENW, August 26, 2015) and Addendum (TENW, February 2, 2016); Geotechnical Feasibility Study (GeoEngineers, October 2, 2014); Preliminary Storm Drainage Report - TIR (Core Design, received October 19, 2015); SEPA environmental checklist received October 19, 2015; and other documents in the file.

- 2) Issuance of this threshold determination does not constitute approval of the project proposal. The proposal will be reviewed for compliance with all applicable City of Issaquah codes, which regulate development activities, including the Central Issaquah Plan, Critical Area Regulations, Building Codes, Clearing and Grading Ordinance, and Surface Water Design Manual.

### **Findings:**

1. Land Use: The site is zoned Village Residential (VR). It is located within the Central Issaquah Plan area, the plan was adopted by the City Council in April 2013. The goal of the plan is to transition the Central Issaquah area to a higher density, mixed-use, pedestrian-oriented area. The proposed townhouse development is generally consistent with the Central Issaquah Plan vision and the VR zoning. The proposal will be evaluated in detail for compliance with the Central Issaquah Plan policies and standards under the Site Development Permit.

2. Streams: The site contains 2 streams with salmonids (Class 2S); Anti-Aircraft Creek (WRIA #0169A) and an unnamed tributary to Tibbetts Creek (WRIA #0169H). Class 2S streams require a 100-foot buffer. In addition to the applicant's biologist, an outside peer review evaluated the stream classifications and a field review with Washington Department of Fish and Wildlife confirmed the stream ratings (ESA, February 18, 2016).

The stream buffer area is currently dominated by non-native, invasive plant species and the City's Critical Areas Regulations allow for a maximum 25% reduction to the 100-foot stream buffer standard where buffer conditions are degraded and enhancement with native vegetation would improve water quality and habitat functions (IMC 18.10.790.D). The proposal would reduce the 100-foot stream buffers to 75 feet and enhance the reduced buffer area with native plant species. The stream buffer would be reduced by approximately 9,886 SF. The stream and wetland buffer enhancement area would total approximately 63,370 SF.

The entire, reduced 75-foot stream buffers shall be planted at a planting density consistent with IMC 18.10.790.D; a minimum planting density of 10 feet on-center for trees and 5 feet on-center for shrubs. The planting density shall be shown on the final stream buffer enhancement planting plan.

Final stream buffer enhancement plans are required for approval by the Issaquah Development Services Department (DSD) prior to issuing construction permits. Final plans shall include a grading plan, planting plan and a 5-year monitoring/maintenance plan with performance standards for monitoring success of the enhancement planting. The plans shall meet King County Critical Areas Mitigation Guidelines for monitoring performance standards.

The City of Issaquah has proposed to replace existing culverts for Anti-Aircraft Creek. The project would re-align Anti-Aircraft Creek on the subject site. The culvert replacement project (ASDP15-00011) is independent of the townhouse development and a separate SEPA determination evaluating potential impacts of the project was issued on February 25, 2016. The proposed townhouse development has provided an easement for the culvert replacement; the stream would be culverted through the townhouse development area and then surface in the wetland buffer and connect to the existing stream channel at the west edge of the wetland.

3. Wetlands: A "*Wetland & Stream Determination and Preliminary Buffer Mitigation*" report (Schulz, October 14, 2015) was submitted with the application, including; wetland delineation and wetland rating, stream classification, and summary of project impacts and mitigation. The wetland

delineation and rating was evaluated by an outside biologist peer review (ESA, January 26, 2015, revised February 18, 2016), which confirmed the accuracy of the wetland boundaries and wetland rating.

There is a 3.8 acre Category II wetland on the site. The wetland also extends off-site, but the total size of the wetland has not been estimated. Category II wetlands require a 75-foot buffer. Because the wetland buffer area is currently dominated by non-native invasive plant species, it qualifies for a buffer reduction (maximum 25% of buffer standard) provided the reduced buffer area is enhanced with native plant species (IMC 18.10.650.D.3). The applicant proposes to reduce the 75-foot wetland buffer to 56.25 feet with planting enhancement of the reduced buffer area. The wetland buffer would be reduced by approximately 10,995 SF. The stream and wetland buffer enhancement area would total approximately 63,370 SF.

A 10-foot wide public shared-use trail is proposed along the north property boundary. The trail is intended to connect from Newport Way NW to the north of the site to a public regional trail that will be constructed by the Gateway Apartments, which will provide a pedestrian bridge/crossing over Tibbetts Creek. The proposed trail on the Riva townhouse site would go through the wetland (226 LF) and wetland buffer (82 LF). It is proposed to be an elevated boardwalk through the wetland area, using a pin pile or diamond-pier construction technique, to avoid direct wetland fill impacts. The indirect, shade impacts of the trail would be mitigated with enhancement of the wetland at a 1:1 ratio of the trail area. The trail through the wetland buffer area would be mitigated by buffer averaging, providing additional buffer area equal to the trail area inside the buffer. The trail alignment has been selected where the dominant plant cover is non-native Himalayan blackberry. Therefore, the proposed trail alignment is not expected to result in a loss of buffer functions. The final mitigation plans shall include the mitigation, as described above, for the public shared use trail.

4. Stormwater – A Preliminary Drainage Report (Core Design, received October 19, 2015) was prepared to address core requirements, off-site drainage analysis, stormwater facility flow control and water quality design. The project will be required to meet standards of the 2009 King County Surface Water Design Manual with the 2011 City of Issaquah Addendum.

Stormwater runoff would be conveyed to below-grade detention vaults which would discharge via dispersal trenches into the wetland buffer. Stormwater facilities will be required to comply with the Sensitive Lake Protection Water Quality standards for Lake Sammamish, which is required to reduce phosphorus levels leaving the site. Lake Sammamish is considered an impaired water body due to existing phosphorus levels.

5. Traffic: A Traffic Impact Analysis (TENW; August 26, 2015, February 2, 2016) was completed to document trip generation from the proposal and to evaluate the level of service (LOS) and safety and operations of the site access drive off Newport Way NW. The report estimates the proposal would result in 264 new weekday daily trips; with 23 weekday AM peak hour trips (4 entering, 19 exiting) and 26 weekday PM peak hour trips (17 entering, 9 exiting).

To estimate future peak hour traffic volumes on Newport Way NW, the Traffic Impact Study (TIA) included approved development projects and applied a background traffic growth rate. A distribution of the project trips (north or south on Newport Way NW during AM/PM peak hours) was based on information from the City's traffic model.

Under the City's new concurrency standards (adopted by Ordinance #2733, effective February 2, 2015), individual development applications are not required to evaluate their project traffic impacts on the local street system, provided a proposal is consistent with the City's planned growth that was assumed and previously evaluated in the traffic concurrency model. The City completed a system-wide transportation concurrency assessment for future planned growth and road improvements were

identified to mitigate for the corresponding planned growth. According to the City's traffic model, adopted level of service (LOS) standards would be maintained and development projects would be concurrent provided the identified road improvements are constructed. A transportation impact fee was calculated to fund the road improvements identified in the concurrency model and on the City's Transportation Improvement Program (TIP). Development proposals can therefore mitigate for their traffic impacts by payment of the traffic impact fee.

The subject development proposal is consistent with the growth assumptions included in the traffic concurrency model. Therefore, the proposed development can withdraw trips from the "trip bank" that was calculated for concurrency and can mitigate their traffic impacts by payment of the traffic impact fee.

The project applicant is required to construct new half-street improvements along their property frontage on Newport Way NW, consistent with City road standards and the *Central Issaquah Plan* which identifies this section of Newport Way NW as a "Parkway." The improvements would consist of 10-foot wide vehicle travel lanes, a 12-foot-wide center turn lane near the site entry and an 8-foot planted median, a 5-foot bicycle lane, 5-foot landscape strip, and a 10-foot shared multi-modal (bicycle, pedestrian) path. The street frontage and channelization improvements are consistent with the nearby Gateway Apartments and Gateway Senior Housing projects.

The access into the development is proposed from a single access drive off Newport Way NW, located at the intersection with NW Oakcrest Drive. The TIA evaluated the Level of Service (LOS) for the site access. This analysis assumed a stop sign would control side-street turns. It also assumed the frontage and channelization improvements described above, including a center turn lane to facilitate turn movements entering/exiting the site. The TIA concluded all turn movements at the site access onto Newport Way NW would operate at LOS A-C, meeting the City's adopted LOS standard of LOS D.

The project road improvements would result in removal of the existing gravel shoulder on the west side of Newport Way NW, the opposite side of the street from the proposed development. The gravel shoulder is necessary for vehicles to pull off the roadway and it is also used by pedestrians to access the King County Cougar Mountain trailhead. The applicant shall provide a 5-foot wide compacted gravel shoulder within the existing street right-of-way on the west side of Newport Way NW.

6. Bicycle and Pedestrian Facilities – The *Nexus Study for Bicycle and Pedestrian Facilities Mitigation Fees* (Henderson Young & Company, December 10, 2014) was adopted by the City Council, Ordinance #2733, effective February 2, 2015. The study quantifies the direct impact of new development on the current system of bicycle and pedestrian facilities and the additional demands from future growth to maintain the adopted level of service. The report uses trip generation rates based on the different land use types to quantify the impacts of new development. It also identifies 16 specific bicycle and pedestrian projects that are needed to support the City's level of service standard. Payment of mitigation fees as determined in the study may satisfy a development's requirement to mitigate their project impacts on the level of service standard. If the developer doesn't voluntarily use the methodology and mitigation fees as determined in the report, the developer may choose other methods to quantify and mitigate their impact including conducting a study of its impacts and identifying alternate means of mitigating impacts to achieve the adopted standards. The public shared-use trail that will be constructed by the applicant is not one of the 16 bicycle/pedestrian projects identified in the report and therefore the applicant does not receive credit for this mitigation fee. The mitigation fee is presently \$462.75/apartment unit. The mitigation fee will be assessed with issuance of building permits and the actual cost of the mitigation fee will be the

adopted fee in effect at the time of permit issuance. Applicant objections to the voluntary payment should be made during the SEPA comment period.

7. Public Services - The proposal would have a potential impact on public services, including police and general government buildings. IMC Chapter 3.74, Methods to Mitigate Development Impacts, provides alternatives to mitigate for direct impacts of proposed development. The City may approve a voluntary payment in lieu of other mitigation. Rate studies for police facilities and general government buildings are included in IMC 18.10.260 as the City's SEPA policy base. The rate studies present the methodology and formulas for determining the amount of the mitigation fee commensurate with the proposed land use and project impacts. The current mitigation fee is \$78.56/multi-family unit for general government and \$154.35/multi-family unit for the police mitigation fee. The mitigation fee will be assessed with issuance of building permits and the actual cost of the mitigation fee will be the adopted fee in effect at the time of permit issuance. Applicant objections to the voluntary payment should be made during the SEPA comment period.

**Mitigation Measures:** The Mitigated Determination of Nonsignificance is based on the SEPA environmental checklist received October 19, 2015 and supplemental technical information and reports listed in the Notes. The following SEPA mitigation measures shall be deemed conditions of the approval of the licensing decision pursuant to Chapter 18.10 of the Issaquah Land Use Code. All conditions are based on policies adopted by reference in the Land Use Code.

1. The Critical Area Regulations require the following measures:
  - 1) The outer extent of the critical area buffers shall be fenced in the field with installation of temporary erosion sedimentation control (TESC) measures, prior to beginning construction and maintained through the duration of construction activities.
  - 2) Permanent survey stakes using current survey standards shall be set to delineate the boundaries of the critical area buffers.
  - 3) Critical areas shall be fenced to limit encroachments from pedestrians and dogs. Fencing locations and details shall be shown on the final mitigation plans and subject to DSD approval. Critical area signs shall be installed along the fences to explain the type and value of the critical area.
  - 4) Critical areas and buffers shall be protected in perpetuity with a Native Growth Protection Easement (NGPE) recorded on the property title.
  - 5) A 5-year monitoring/maintenance period is required for the stream buffer enhancement. The applicant shall provide a bond amount equal to 50% of the cost of plants, labor and the 5-year monitoring/maintenance cost prior to final building permit approval.
  - 6) The Homeowners Association (HOA) shall have responsibility for maintenance of critical areas and buffers after the 5-year monitoring/maintenance period. The maintenance shall be consistent with the objectives and details of the approved mitigation plan, including; removal of garbage/litter, control of invasive plant species, and maintenance of fencing. This requirement shall be included in the HOA's Covenants, Conditions & Restrictions (CC & Rs).
2. Final stream and wetland buffer enhancement plans are required for approval by the Issaquah Development Services Department (DSD) prior to issuing construction permits. Final plans shall include a planting plan, grading plan and a 5-year monitoring/maintenance plan with performance

standards for monitoring success of the enhancement planting. The plans shall meet King County Critical Areas Mitigation Guidelines for monitoring performance standards.

3. The entire reduced stream and wetland buffer areas shall be planted at a planting density consistent with IMC 18.10.790.D.4 and IMC 18.10.650.D.3; a minimum planting density of 10 feet on-center for trees and 5 feet on-center for shrubs. The planting density shall be shown on the final stream buffer enhancement planting plan.
4. The final mitigation plans shall include mitigation for the public shared use trail as shown on the Shared Use Trail and Mitigation Plan dated February 18, 2016.
5. The applicant shall provide an as-built plan of the stream and wetland buffer enhancement and the consulting biologist shall verify in writing that the planting has been installed per the approved plan prior to the final approval of building permits.
6. The applicant shall provide a 5-foot wide compacted gravel shoulder within the existing street right-of-way on the west side of Newport Way NW, the opposite side of the street from the proposed development. This is required to replace the existing gravel shoulder which would be removed due to project road improvements.
7. The applicant shall mitigate for potential impacts on public services and bicycle and pedestrian facilities. The City may approve a voluntary payment in lieu of other mitigation. The current mitigation fee is \$78.56/multi-family unit for general government, \$154.35/multi-family unit for the police mitigation fee, and \$462.75/apartment unit for the bicycle/pedestrian mitigation fee. The mitigation fee will be assessed with issuance of building permits and the actual fee amount will be the adopted fee in effect at the time of permit issuance. Applicant objections to the voluntary payment should be made during the SEPA comment period.

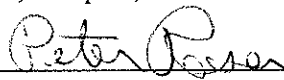
**SEPA Responsible Official:** Peter Rosen

**Position/Title:** Senior Environmental Planner

**Address/Phone:** P.O. Box 1307, Issaquah, WA 98027-1307 (425) 837-3094

**Date:** 3/3/2016

**Signature:**



cc: Washington State Department of Ecology  
Muckleshoot Indian Tribe  
U.S. Army Corps of Engineers  
Washington State Department of Fish and Wildlife  
Washington State Department of Archeology and Historic Preservation (DAHP)  
Parties of Record  
Issaquah Development Services Department  
Issaquah Parks and Public Works Engineering Departments